

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL McCALL,

Plaintiff,

v.

BARBARA MADSEN, CHARLES  
JOHNSON, RICHARD SANDERS, SUSAN  
OWENS, JAMES JOHNSON, SUSAN  
DREYFUSS,

Defendants.

Case No. C10-5179RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Application to Proceed *In Forma Pauperis* and proposed Complaint. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff seeks to bring causes of action against five Washington State Supreme Court Justices and the Secretary of DSHS pursuant to 28 U.S.C. § 1983 and the American's With Disabilities Act (ADA), 42 U.S.C. §§ 12101, *et. seq.* He alleges that a Thurston County Superior Court Judge erred when she upheld an Administrative Law Judge's determination that he was obligated to repay the state for General Assistance benefits out of the Supplemental Security Income lump sum back pay he was awarded. He sought to appeal the Superior Court judgment and moved for an order of indigency so that his appeal could proceed without payment of fees or costs. Per rule, the motion was referred to a motions panel of the Supreme Court. The panel denied his motion for indigency. This Complaint in this Court followed. He alleges that the decision of the panel violates his rights to access the courts and the ADA. He seeks

ORDER

1 declaratory and injunctive relief and specifically seeks an order allowing him to perfect his appeal,  
2 presumably as an indigent.

3 Plaintiff's Complaint asks this Court to review the decision of a panel of the Washington Supreme  
4 Court. This Court is without subject matter jurisdiction to review decisions of state courts. *See Rooker v.*  
5 *Fidelity Trust Co.*, 263 U.S. 413, 415 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S.  
6 462, 483 (1983).

7 Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED** and his proposed Complaint is  
8 **DISMISSED.**

9 **IT IS SO ORDERED.**

10 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party  
11 appearing pro se.

12 Dated this 8<sup>th</sup> day of April, 2010.

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15 RONALD B. LEIGHTON  
16 UNITED STATES DISTRICT JUDGE  
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